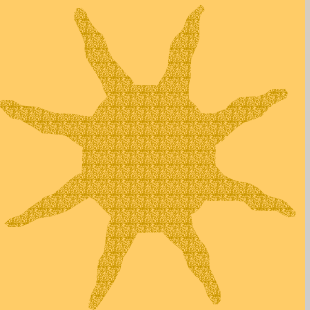
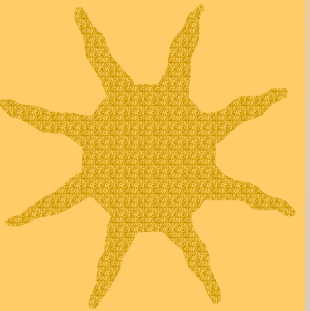
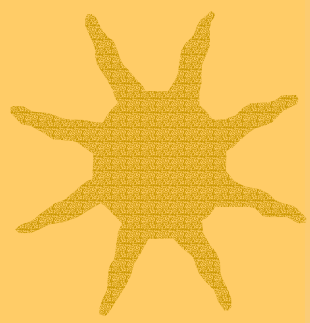


Managing Conflict Cooperatively in Mental Health Systems

**Collaborative for Conflict
Management in
Mental Health**

Lake of the Ozarks, May 28-30, 2003

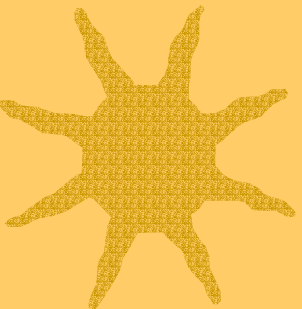
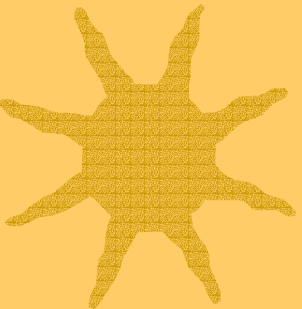
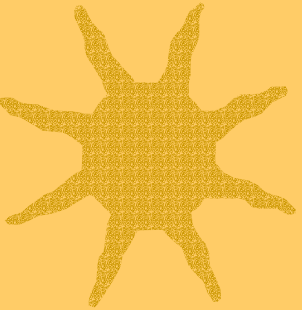


What Does Conflict Mean to You?

List 10 words that come to mind
when you think about conflict



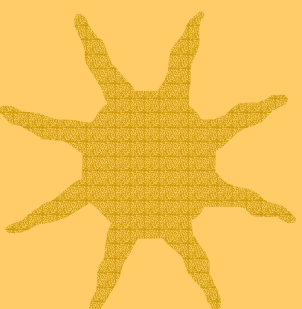
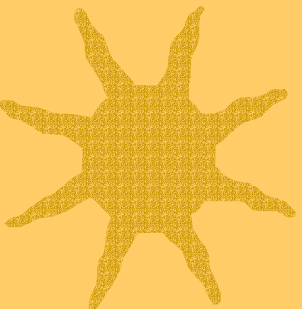
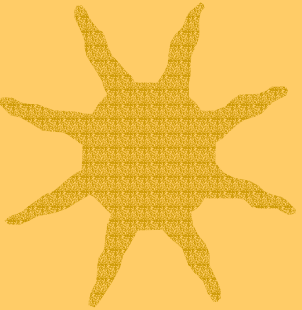
Conflict can be Useful



- ★ Conflict is a fact of life
- ★ Conflict can encourage examination of values
- ★ People can learn new skills to manage and resolve conflict
- ★ Destructive consequences are not inevitable
- ★ Disputes can stimulate creative change



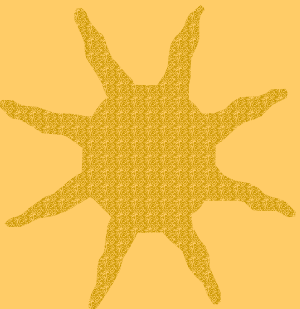
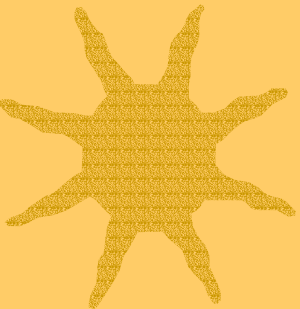
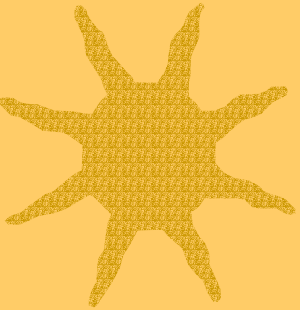
Overview of Workshop



- ★ How we manage conflict in our daily lives
- ★ How conflict affects the mental health system
- ★ What is ADR? How is it useful?
- ★ Examples of ADR in mental health
- ★ Conflict management skills



Our Cultural Experience of Conflict

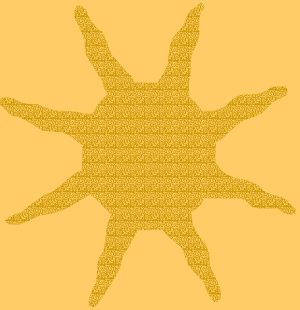


“Hey Buck, what’s a feud?”

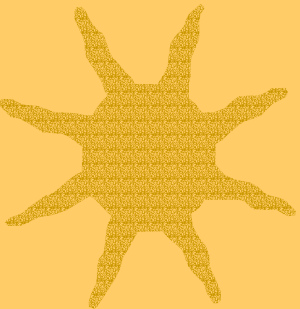
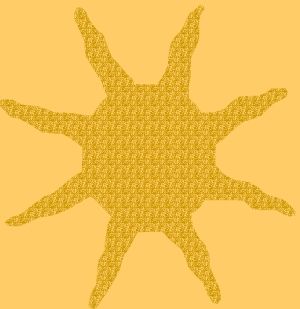




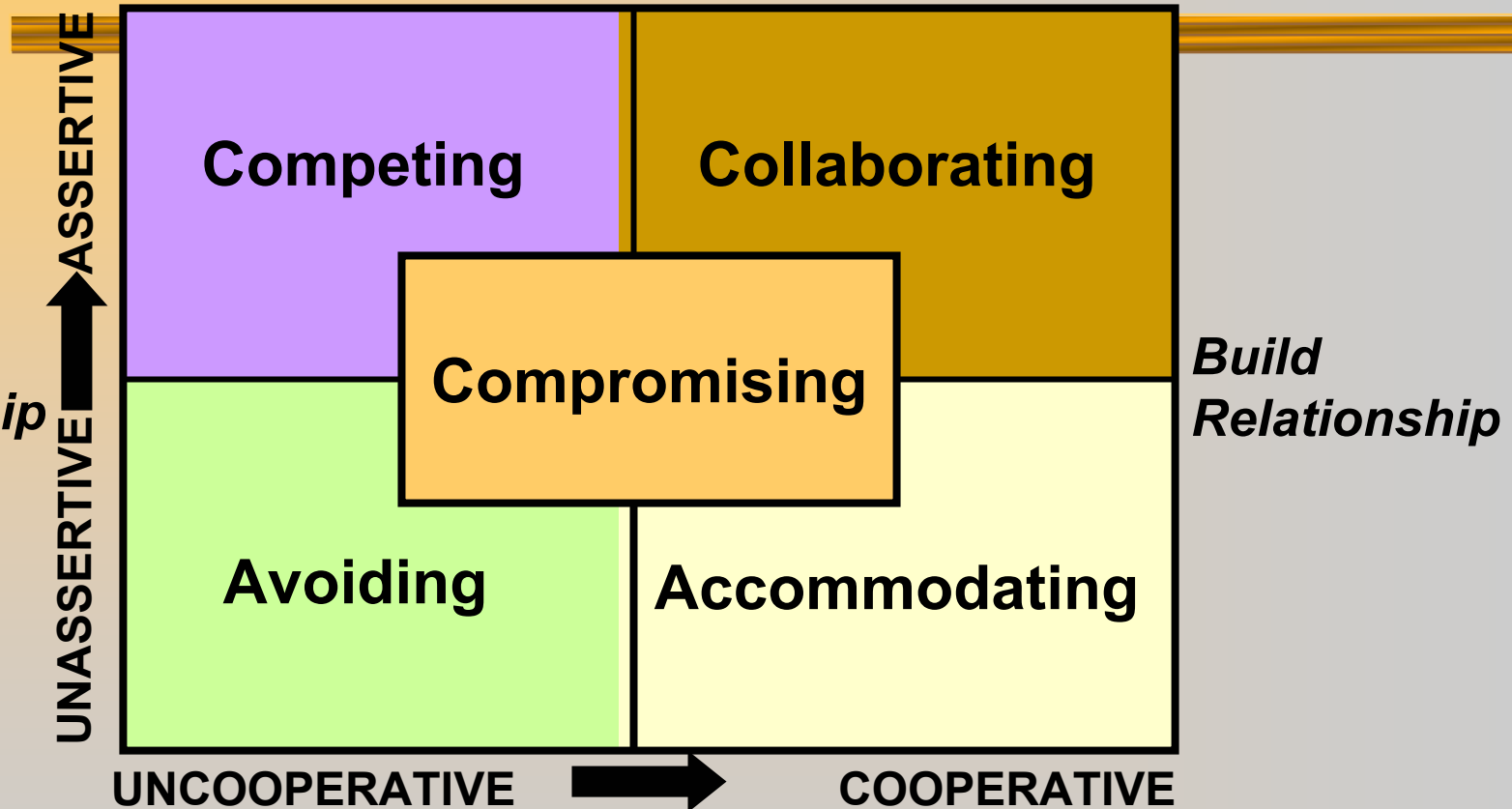
Interpersonal Conflict Styles



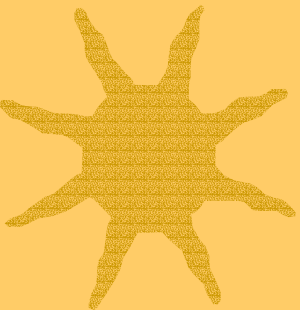
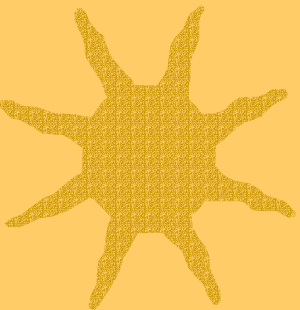
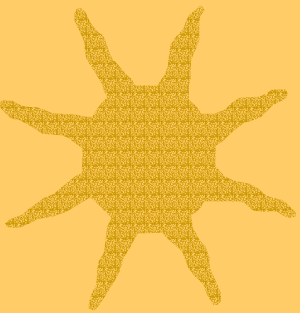
- ★ Fighting fair
- ★ Split the difference; give a little, get a little
- ★ Find a win-win solution; look for a third option
- ★ The golden rule; look out for the other guy's interests
- ★ Don't go looking for trouble; good fences make good neighbors



5 Common Responses to Conflict



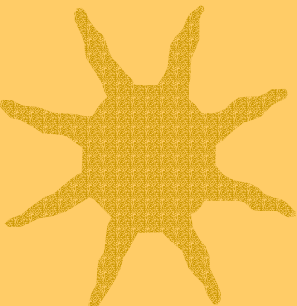
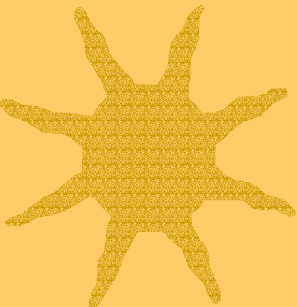
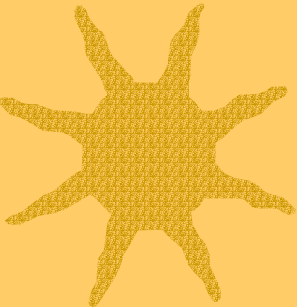
Adapted from Thomas-Kilman Conflict Mode Instrument by Kenneth W. Thomas & Ralph H. Kilman, Xicom, Incorporated, 1974.



Conflict in the Mental Health System



Trends In Mental Health



- ★ Increasing racial and ethnic diversity
- ★ Recognition of trauma and abuse histories
- ★ Criminal justice systems involvement
- ★ Co-occurring MH/SA disorders
- ★ Systems integration
- ★ Public fears about violence
- ★ Shrinking resources/managed care
- ★ Increasing consumer partnerships

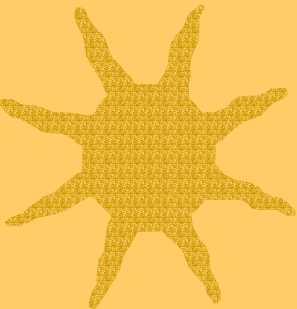
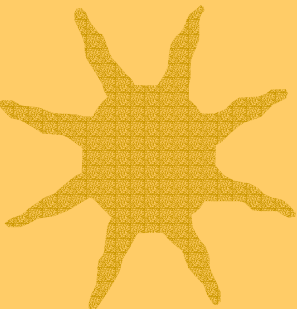
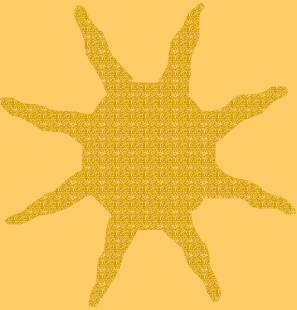


Case Study: A Friend Wants a Cigarette





Its Not About the Dry Cleaning



Patient Emotion Event Staff Emotion

← Voluntary Admit #1 →

← Smoking Dispute →

← Treatment Refusal, Invol. Status →

← AWOL, Sheriff →

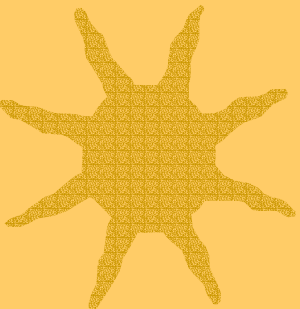
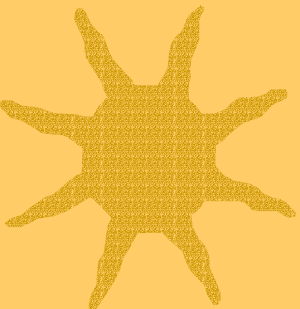
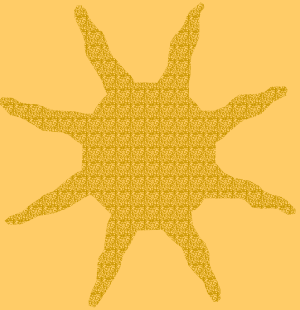
----- Transfer to Hospital #2 -----

← Dry Cleaning Request →

← Discharge →



Disputes in the Mental Health System




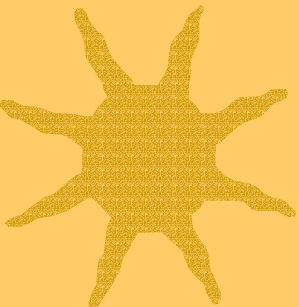
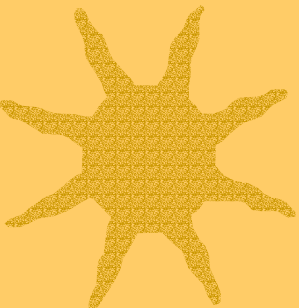
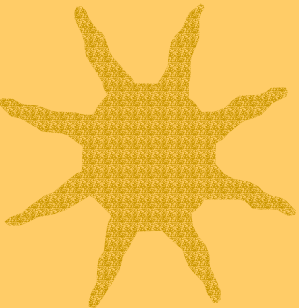
- ★ May involve strong emotions, complex issues
- ★ Parties have ongoing relationships
- ★ Accompanied by historical hierarchical relationships
- ★ May include multiple players, issues, agencies



Continuum of Coercion

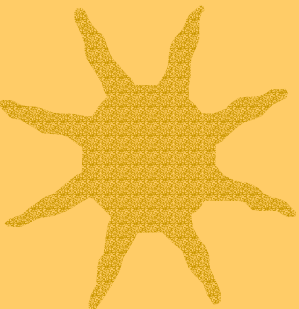
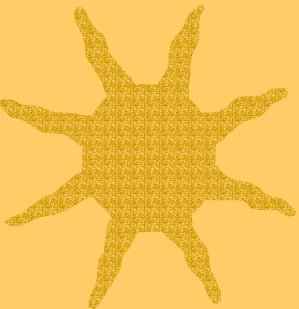
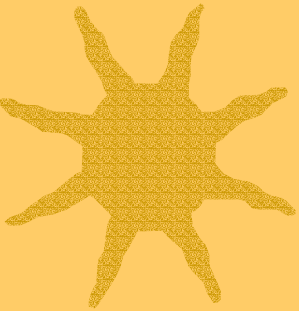
High

- 
- Involuntary ECT, psychosurgery, sterilization, abortion
 - Forced administration of meds. anywhere
 - Physical restraint or seclusion in anywhere
 - Extended involuntary incarceration
 - Court ordered community treatment
 - Forced disrobing, body searches, med. exams
 - Intrusive procedures w/ opposite gender staff
 - 72-hour emergency eval in psych hospital





Continuum Of Coercion

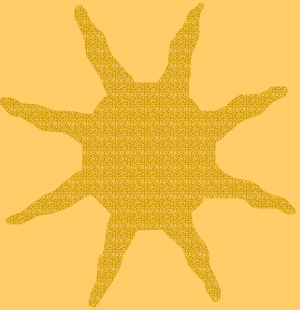


Low

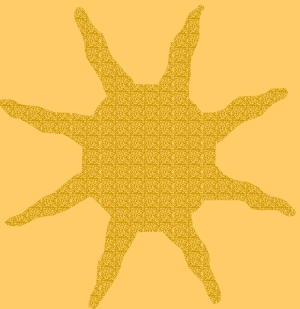
Use of guardianships/conservatorships
One-to-one monitoring in any setting
Restrictive settings or services
Threats or pressure to engage in above
Controlling access to resources
Restricting choice, Guiding decisions
Labeling and diminishment of credibility
Direct, friendly persuasion & inducements
Strategic presentation/withholding info.



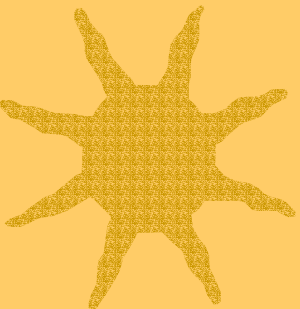
Coercion: A Non-Solution



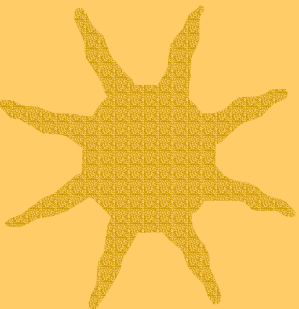
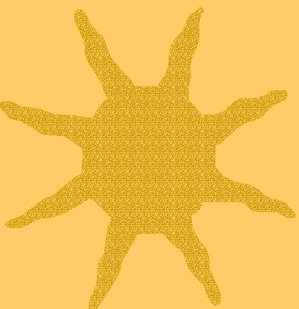
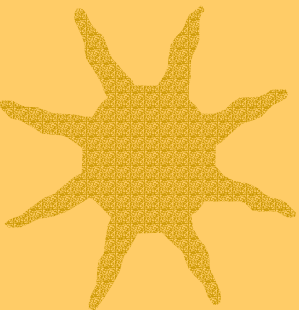
★ Coercion flows from and worsens power imbalances



★ May lead to reluctance to use services



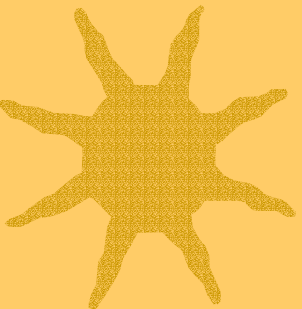
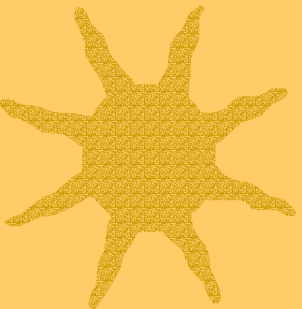
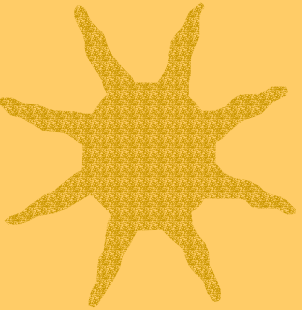
★ May be retraumatizing



What is ADR and How is it Useful in the Mental Health System?



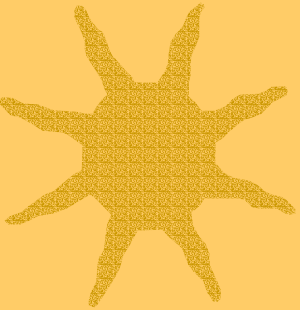
Definition of Terms



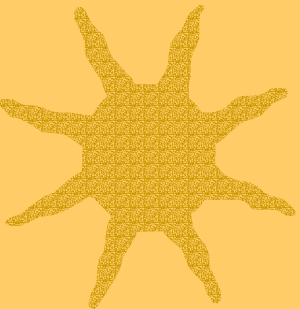
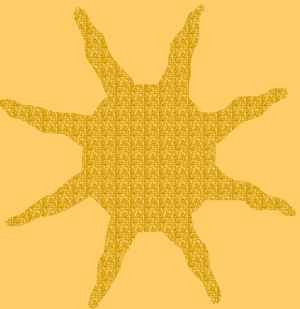
- ★ **ADR:** alternatives to the legal system for the resolution of disputes
- ★ **Conflict management:** a proactive stance – looking at systems approaches to dealing with the inevitability of conflict
- ★ **Mediation:** a form of ADR that uses a 3rd party neutral, levels power imbalances, and helps parties to come up with their own solutions



Past and Current Uses of ADR

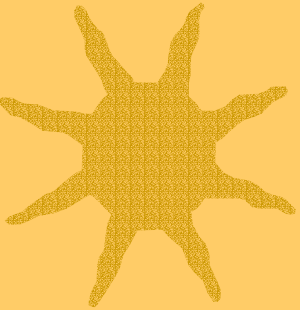


- ★ Labor Disputes
- ★ Environmental Disputes
- ★ Healthcare Disputes
- ★ Courts
- ★ Family and Divorce
- ★ Workplace/EEO/ADA Complaints
- ★ Disputes in Schools and Communities





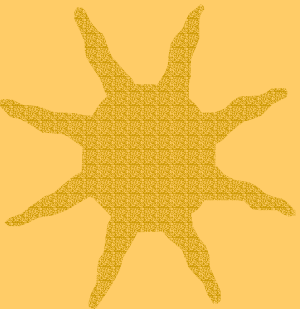
ADR: A Third Perspective in the Mental Health System



Clinical
Patients

Legal
Clients

ADR
Parties



Symptoms

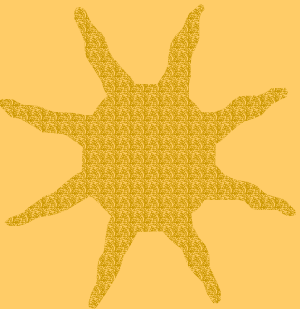
Rights violations

Differences

Assess, diagnose
treat

Represent &
advocate

Facilitate
discussion



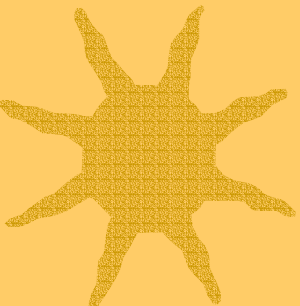
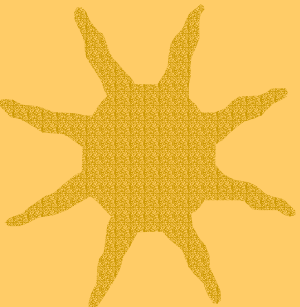
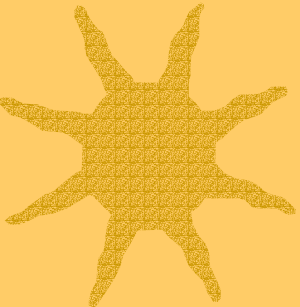
Clinical
judgment

Legal decision

Collective
solution



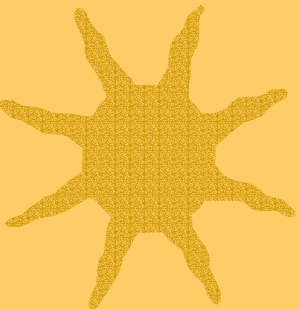
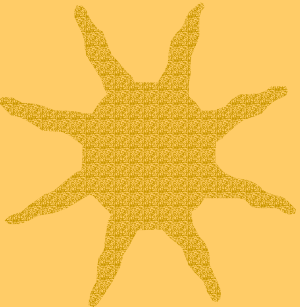
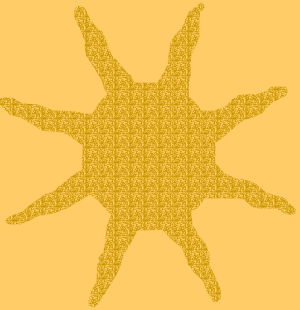
ADR: Consistent with Recovery



<i>Recovery</i>	<i>ADR</i>
Hopeful orientation	Win-win solutions
Sense of personal control	Parties control outcome
Focus on basic needs	Underlying issues
Personal voice	Parties tell their stories
Meaning in experience	Look to lessons learned
Connections with others	Preserves relationships
Coping skills	Skills in conflict mgt
Helping others	Focus on all parties



Forms of ADR/Conflict Management



- ★ Identifying issues, bringing parties to table
- ★ Facilitated discussion, dialogue
- ★ Use of conflict management skills
- ★ Negotiation
- ★ Advocacy
- ★ Mediation (formal and informal)
- ★ Arbitration (binding and non-binding)
- ★ Litigation
- ★ Restorative justice and reconciliation



Advocate

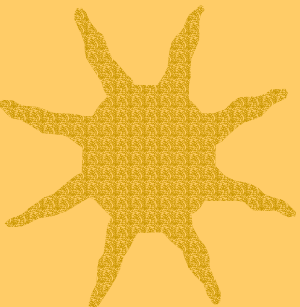
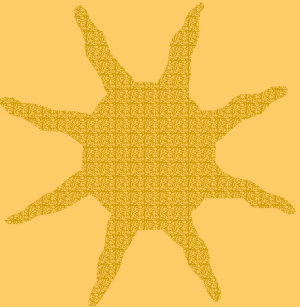
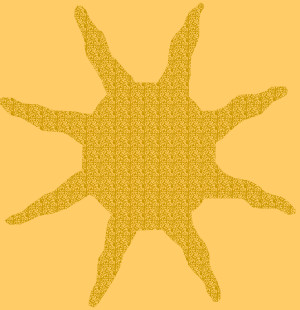
- ★ Works for client
- ★ Takes position
- ★ Clear goal
- ★ Uses persuasion
- ★ Uses power
- ★ Knows the issues
- ★ May use emotion strategically

Mediator

- ★ Is neutral
- ★ Takes no position
- ★ Focus on process
- ★ Parties solve problem
- ★ Levels playing field
- ★ Not an expert in field
- ★ Expresses emotion authentically



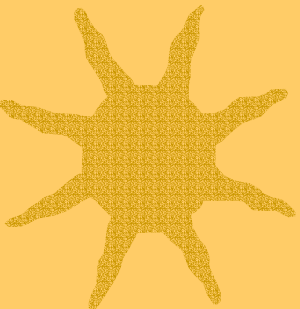
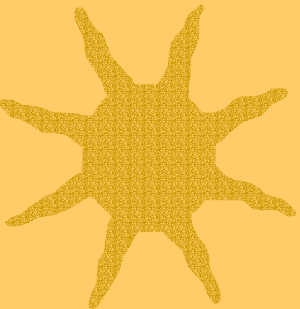
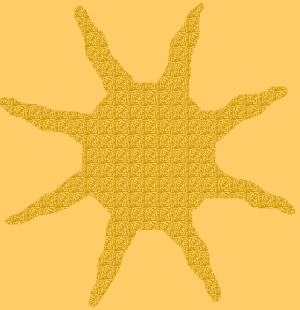
Why People Like ADR



- ★ Promotes quick and concrete agreements
- ★ Safe to express emotion
- ★ Perceived as fair, voluntary, confidential
- ★ Preserves relationships
- ★ Encourages creativity and ownership
- ★ Builds decision-making and conflict mgt skills
- ★ Allows parties to step outside of usual roles
- ★ Consistent with recovery and trauma-informed models

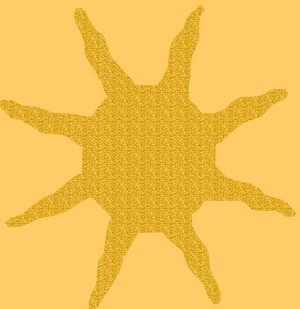
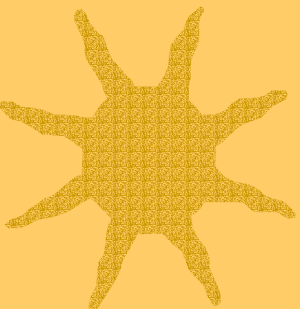
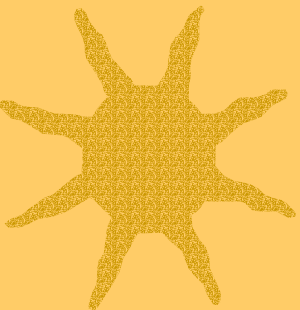


ADR Saves Money



“ When it was all said and done,
the mediation cost less than the
postage bill had for the
litigation.”

J.W. Durham, general counsel
Philadelphia Electric Co.



30 Seconds to Talk: An Exercise in Pairs

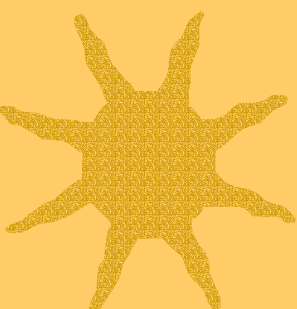


Skills of a Mediator

- ★ Neutrality
- ★ Accurate and Effective Listening.
- ★ Identifying and clarifying the issues.
 - Giving people an opportunity to tell their story
- ★ Identifying power imbalances evidenced in:
 - Body language
 - Content and tone
 - Manner of speech
 - Interrupting or “talking over” the other person



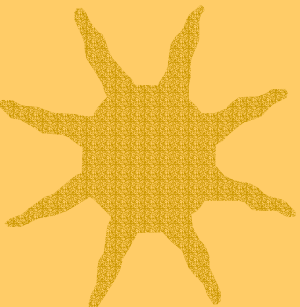
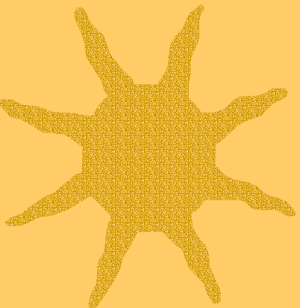
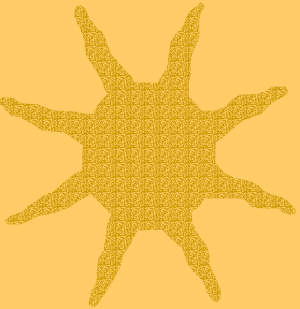
Examples Of ADR In Mental Health



- ★ Community mediation services – ME
- ★ Consumer-family mediation – NH
- ★ Alternative to grievance process – VT, DC
- ★ Systems change strategy in childrens' system of care – MO
- ★ Foster care mediation – MD
- ★ State hospital mediation service – AZ
- ★ Training for staff and consumers – NM
- ★ Reconciliation (victim-offender mediation) – AZ



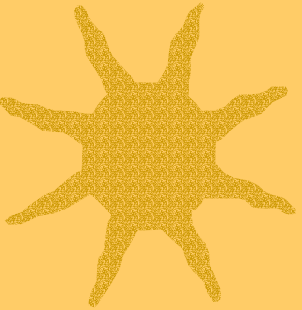
Common Concerns About Mediation



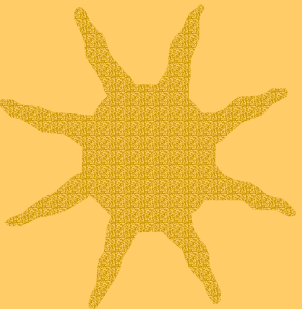
- ★ Voluntariness
- ★ Access to legal review
- ★ Monitoring agreements
- ★ Role of mediators (facilitative / directive)
- ★ Role of people with psychiatric diagnoses
- ★ Is it possible to balance power when legal mechanisms can be invoked?



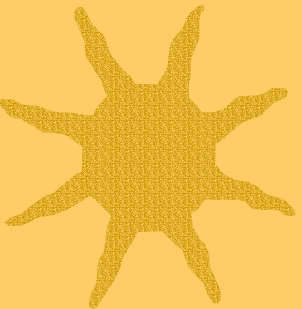
Reconciliation and Forgiveness



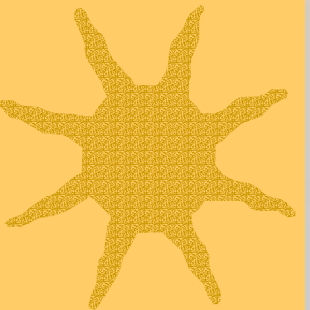
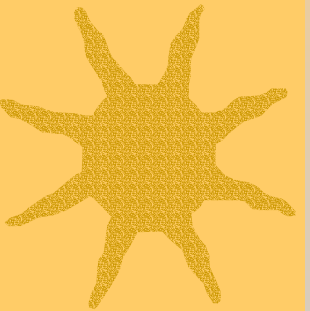
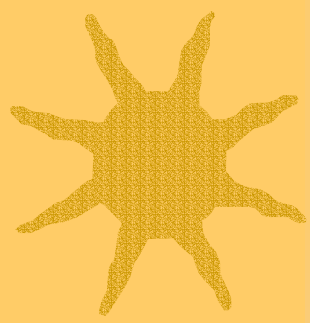
- ★ Particularly relevant to trauma



- ★ Clinically sensitive but powerful



- ★ ADR versus indigenous processes:
Sulha



Conflict Management Skills

*Where does case management
end and conflict management
begin?*



Communication Skills

Creating a Conducive Environment

- **Listening and Attending**
- **Asking Questions**
- **Inviting Dialogue**
- **Responding to Complaints**





Tips for Effective Communication

- ◆ Stop what you are doing
- ◆ Make eye contact
- ◆ Reflect back what you hear people say
- ◆ Use people-first language
- ◆ Use language that is free of jargon



Find their own solutions

Help others to find their own answers

Avoid temptation to resolve the issue for others

Recognize your own investment and biases

Talk with each party separately

Help parties talk together

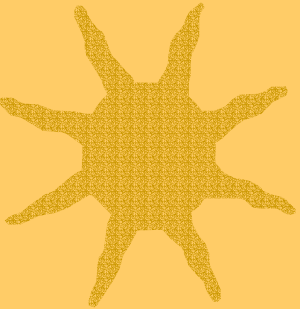
Follow-up with both parties

“Tweak” agreement as necessary



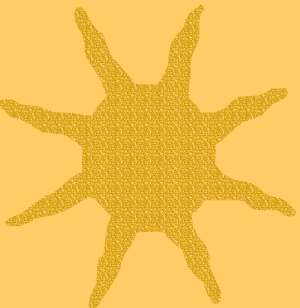


How to Contact CCMMH



Website:

www.fmhi.usf.edu/mediation



Email: ccmmh@fmhi.usf.edu

Phone: (813) 974-1310

